

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 3, 1998

DIVISION ONE

B113773 People (Not for Publication)
v.
Weir

We affirm the judgment.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B109627 People (Not for Publication)
v.
Salazar

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Masterson, J.

B109887 People (Not for Publication)
v.
Luera

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Dunn, J. (Assigned)

March 3, 1998-Continued

DIVISION ONE (Continued)

[illegible]

The matter is remanded for the trial court to impose one-third of the enhancements as to counts 2 and 3. The trial court is to issue a new abstract of judgment and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Dunn, J. (Assigned)

B108333 People
v.
Rodriguez

Appellant's petition for rehearing is denied by operation of law.

DIVISION TWO

B113556 PIVP Hotel Management Corp. (Not for Publication)
v.
Hodge

The order under review is reversed, with directions to redetermine appellant's motion for attorney fees, including fees for this appeal, in conformity with this decision. Appellant shall recover costs on appeal.

Fukuto, J.

We concur: Boren, P.J.
 Nott, J.

March 3, 1998-Continued

DIVISION TWO (Continued)

B110598 People (Not for Publication)
v.
Wilson

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

B112267 People (Not for Publication)
v.
Sanders

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

B106373 Riste (Not for Publication)
v.
Daimler-Benz, A.G.

The judgment is affirmed.

Fukuto, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION TWO (Continued)

B101438 O'Brien (Not for Publication)

v.

TIG Insurance Company

The judgment is reversed.

Fukuto, Acting P.J.

We concur: Nott, J.

 Zebrowski, J.

B111167 Kensington & Schaeffer, Inc. (Not for Publication)

v.

Barnett

The judgment is affirmed.

Fukuto, J.

We concur: Boren, P.J.

 Nott, J.

B110707 People (Not for Publication)

v.

Madera

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

March 3, 1998-Continued

DIVISION FOUR

[illegible]

The judgment of conviction is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

[illegible]

The judgment of conviction is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Baron, J.

B093741 People (Not for Publication)
v.
Hurd

The judgment is affirmed.

Baron, J.

We concur: Epstein, Acting P.J.
Hastings, J.

March 3, 1998-Continued

DIVISION FOUR (Continued)

B107650 Adams (Not for Publication)
v.
Betz Laboratories

The judgment is affirmed.

Baron, J.

We concur: Epstein, Acting P.J.
Hastings, J.

B107691 Fuller (Certified for Publication)
v.
Bethany Apostolic Church

The order of dismissal is affirmed.

Baron, J.

We concur: Vogel (C.S.), P.J.
Czuleger, J. (Assigned)

B111796 County of Los Angeles
v.
Civil Service Commission of Co. of L.A.
Calzada

Filed order denying for publication.

DIVISION FIVE

B106179 People (Not for Publication)
v.
Troy Villasenor

The judgment is affirmed except that the cause is remanded to allow the trial court to retry the prior conviction in case No. PA003291 and, based upon the evidence and findings, to sentence defendant accordingly.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B106909 First Pacific Bancorp, Inc. et al. (Not for Publication)
v.
Crumphorn & S Insurance Services, et al.

The judgment of dismissal is affirmed as to Allen Lawrence & Associates, Inc., Allen Lawrence, George Martini, and Deborah Fuller. The judgment is reversed and the matter is remanded for further proceedings on all causes of action except promissory estoppel and intentional infliction of emotional distress as to Crump E&S Insurance Services and Price Forbes, Ltd., and on all causes of action except intentional infliction of emotional distress as to Rodney Stone, Walbrook Insurance Ltd., Anglo American Insurance Company, Ltd., H.S. Weavers (Underwriting) Agencies Ltd., Commercial Union Assurance Company PLC., Assicurazioni Generali S.P.A., Sovereign Insurance (U.K.) Ltd., Ocean Marine Insurance Company, Ltd., London and Hull Maritime Insurance Company, Ltd., LA Paternelle R.D., English and Scottish Maritime and General Insurance Company, Ltd., Sphere Drake Insurance P.L.C. No. 2 Account, Dai Tokyo Insurance Company (U.K.) Ltd., and Aegon Insurance Company (U.K.) Ltd. Appellants to recover their costs on appeal as to the underwriters and the brokers other than Allen Lawrence & Associates, Inc., Allen Lawrence, George Martini, and Deborah Fuller. Allen Lawrence & Associates, Inc., Allen Lawrence, George Martini, and Deborah Fuller are to recover from appellants their costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

March 3, 1998-Continued

DIVISION FIVE (Continued)

B114500 People (Not for Publication)
v.
Michael Hawthorne

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B114503 People (Not for Publication)
v.
Jesus Lamas

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B112852 People (Not for Publication)
v.
Cynthia Palmer

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B095932 First Pacific Bancorp, Inc., et al. (Not for Publication)
 v.
 Allen Lawrence and Associates

The order granting a new trial is reversed only as to Leonard S. Sands, and the trial court is directed to enter judgment in favor of Allen Lawrence & Associates, Inc., as to all claims by him. The order granting a new trial to First Pacific Bancorp, Inc., is affirmed, and the matter is remanded for retrial solely on its negligence cause of action. Each side to bear its own costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B102938 Stefan Bostanian et al. (Not for Publication)
 v.
 Liberty Savings Bank, F.S.B. et al.

The judgment dismissing the complaint and the order denying the motion for reconsideration are affirmed. The motion to dismiss the appeal is denied. Defendants, Liberty Savings Bank, F.S.B., and Professional Foreclosure Corporation are to recover their costs on appeal jointly and severally from plaintiffs, Stefan and Salpi Bostanian.

Turner, P.J.

We concur: Grignon, J.
 Godoy Perez, J.

DIVISION SIX

B111369 Carranza (Not for Publication)
B114021 v.
Chubb & Son, Inc.

The appeal in case No. B111369 is ordered dismissed. The judgment in case No. B114021 (superior court case No. CV79978) is reversed and the case is remanded for further proceedings in the trial court consistent with this decision. The parties shall bear their own costs on appeal.

Stone, P.J.

We concur: Gilbert, J.
Yegan, J.

B112344 Gallegos (Not for Publication)
v.
Gallegos

The judgment is affirmed. Fleming shall bear costs on appeal.

Gilbert, J.

We concur: Stone, P.J.
Yegan, J.

March 3, 1998-Continued

DIVISION SIX (Continued)

[illegible]

The order of the trial court dated April 30, 1997, shall be modified to allow appellant additional conduct credits under section 4019 for time spent in custody for CRC outpatient violations. This case is remanded with instructions to the sentencing court to amend the abstract of judgment to allow an additional 74 days conduct credit in case Nos. SM64775 and SM65867, and an additional 55 days conduct credit in case No. SM74853. Further, pursuant to respondent's request, the sentencing court shall also amend the abstract of judgment to reflect that the term imposed in misdemeanor case No. 89-2786-5 was served concurrently with the combined sentence in case Nos. SM64775 and SM65867. Following amendment of the abstract of judgment, the sentencing court shall forward a certified copy thereof to the appropriate authorities, including the Department of Corrections. The order of April 30, 1997, and judgment are affirmed in all other respects.

Coffee, J.

We concur: Stone, P.J.
Yegan, J.

B114581 Tougas (Not for Publication)
v.
Office Products Group

The judgment is affirmed. Costs to respondent.

Coffee, J.

We concur: Stone, P.J.
Yegan, J.

March 3, 1998-Continued

DIVISION SIX (Continued)

B115832 Fukutomi (Not for Publication)
v.
S.C. Ventura County
Taylor

The order under review was made in excess of the trial court's jurisdiction. Let a writ of mandate issue directing that respondent superior court set aside its order on July 28, 1997, and issue a new order that is in conformance with the law and the views expressed in this opinion.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

DIVISION SEVEN

B113759 People (Not for Publication)
v.
Ricardo B.

The order under review is affirmed.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

B115233 People (Not for Publication)
v.
Harris

The order under review is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

March 3, 1998-Continued

DIVISION SEVEN (Continued)

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The order revoking probation is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

B099495 Republic Concrete Construction, Inc. (Not for Publication)
v.
Transit Mix Concrete Co.

The judgment is reversed. Appellant shall recover its costs on appeal.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

B096817 Chan, et al. (Not for Publication)
v.
Sako, et al.

The judgment of the trial court is affirmed. Respondents Sako and Nishimura shall recover their costs on appeal.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.

DIVISION SEVEN (Continued)

B089203 Cal-Style Furniture MFG. Co. (Not for Publication)
 v.
 American Motorists Ins. Co.

The order dismissing the complaint and cross-complaint is reversed, and the matter is remanded to the superior court for further proceedings. This court has made no ruling as to the effect of the result of the subsequent administrative proceeding. Each side to bear its own costs on appeal.

Woods, J.

We concur: Johnson, Acting P.J.
 Neal, J.

B099979 American Motorists Ins. Co. (Not for Publication)
 v.
 Quackenbush
 Universal Furniture Industries

The judgment is affirmed. Respondents to recover costs on appeal.

Woods, J.

We concur: Johnson, Acting P.J.
 Neal, J.